

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 1 be amended to read as follows:

1           Page 18, between lines 26 and 27, begin a new paragraph and insert:  
2           "SECTION 13. IC 6-1.1-12-2, AS AMENDED BY P.L.177-2002,  
3           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 2. (a) Except as provided in section 17.8 of  
5           this chapter, a person who desires to claim the deduction provided by  
6           section 1 of this chapter must file a statement in duplicate, on forms  
7           prescribed by the department of local government finance, with the  
8           auditor of the county in which the real property, mobile home not  
9           assessed as real property, or manufactured home not assessed as real  
10          property is located. With respect to real property, the statement must  
11          be filed during the twelve (12) months before ~~May 1~~ **September 2** of  
12          each year for which the person wishes to obtain the deduction. With  
13          respect to a mobile home that is not assessed as real property or a  
14          manufactured home that is not assessed as real property, the statement  
15          must be filed during the twelve (12) months before March 2 of each  
16          year for which the individual wishes to obtain the deduction. The  
17          statement may be filed in person or by mail. If mailed, the mailing must  
18          be postmarked on or before the last day for filing. In addition to the  
19          statement required by this subsection, a contract buyer who desires to  
20          claim the deduction must submit a copy of the recorded contract or  
21          recorded memorandum of the contract, which must contain a legal  
22          description sufficient to meet the requirements of IC 6-1.1-5, with the  
23          first statement that the buyer files under this section with respect to a  
24          particular parcel of real property. Upon receipt of the statement and the

1 recorded contract or recorded memorandum of the contract, the county  
2 auditor shall assign a separate description and identification number to  
3 the parcel of real property being sold under the contract.

4 (b) The statement referred to in subsection (a) must be verified  
5 under penalties for perjury, and the statement must contain the  
6 following information:

7 (1) The balance of the person's mortgage or contract indebtedness  
8 on the assessment date of the year for which the deduction is  
9 claimed.

10 (2) The assessed value of the real property, mobile home, or  
11 manufactured home.

12 (3) The full name and complete residence address of the person  
13 and of the mortgagee or contract seller.

14 (4) The name and residence of any assignee or bona fide owner  
15 or holder of the mortgage or contract, if known, and if not  
16 known, the person shall state that fact.

17 (5) The record number and page where the mortgage, contract,  
18 or memorandum of the contract is recorded.

19 (6) A brief description of the real property, mobile home, or  
20 manufactured home which is encumbered by the mortgage or sold  
21 under the contract.

22 (7) If the person is not the sole legal or equitable owner of the real  
23 property, mobile home, or manufactured home, the exact share of  
24 the person's interest in it.

25 (8) The name of any other county in which the person has applied  
26 for a deduction under this section and the amount of deduction  
27 claimed in that application.

28 (c) The authority for signing a deduction application filed under this  
29 section may not be delegated by the real property, mobile home, or  
30 manufactured home owner or contract buyer to any person except  
31 upon an executed power of attorney. The power of attorney may be  
32 contained in the recorded mortgage, contract, or memorandum of the  
33 contract, or in a separate instrument.

34 SECTION 14. IC 6-1.1-12-10.1, AS AMENDED BY P.L.90-2002,  
35 SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 UPON PASSAGE]: Sec. 10.1. (a) Except as provided in section 17.8 of  
37 this chapter, an individual who desires to claim the deduction provided  
38 by section 9 of this chapter must file a sworn statement, on forms  
39 prescribed by the department of local government finance, with the  
40 auditor of the county in which the real property, mobile home, or  
41 manufactured home is located. With respect to real property, the  
42 statement must be filed during the twelve (12) months before ~~May 11~~  
43 **September 2** of each year for which the individual wishes to obtain the  
44 deduction. With respect to a mobile home that is not assessed as real  
45 property or a manufactured home that is not assessed as real property,  
46 the statement must be filed between January 15 and March 31, inclusive

1 of each year for which the individual wishes to obtain the deduction.  
 2 The statement may be filed in person or by mail. If mailed, the mailing  
 3 must be postmarked on or before the last day for filing.

4 (b) The statement referred to in subsection (a) shall be in affidavit  
 5 form or require verification under penalties of perjury. The statement  
 6 must be filed in duplicate if the applicant owns, or is buying under a  
 7 contract, real property, a mobile home, or a manufactured home subject  
 8 to assessment in more than one (1) county or in more than one (1)  
 9 taxing district in the same county. The statement shall contain:

10 (1) the source and exact amount of gross income received by the  
 11 individual and ~~his~~ **the individual's** spouse during the preceding  
 12 calendar year;

13 (2) the description and assessed value of the real property, mobile  
 14 home, or manufactured home;

15 (3) the individual's full name and ~~his~~ **the individual's** complete  
 16 residence address;

17 (4) the record number and page where the contract or  
 18 memorandum of the contract is recorded if the individual is buying  
 19 the real property, mobile home, or manufactured home on  
 20 contract; and

21 (5) any additional information which the department of local  
 22 government finance may require.

23 (c) In order to substantiate ~~his~~ **the applicant's** deduction statement,  
 24 the applicant shall submit for inspection by the county auditor a copy  
 25 of ~~his~~ **the applicant's** and a copy of ~~his~~ **the applicant's** spouse's  
 26 income tax returns for the preceding calendar year. If either was not  
 27 required to file an income tax return, the applicant shall subscribe to that  
 28 fact in the deduction statement.

29 SECTION 15. IC 6-1.1-12-12, AS AMENDED BY P.L.177-2002,  
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 UPON PASSAGE]: Sec. 12. (a) Except as provided in section 17.8 of  
 32 this chapter, a person who desires to claim the deduction provided in  
 33 section 11 of this chapter must file an application, on forms prescribed  
 34 by the department of local government finance, with the auditor of the  
 35 county in which the real property, mobile home not assessed as real  
 36 property, or manufactured home not assessed as real property is  
 37 located. With respect to real property, the application must be filed  
 38 during the twelve (12) months before ~~May 11~~ **September 2** of each  
 39 year for which the individual wishes to obtain the deduction. With  
 40 respect to a mobile home that is not assessed as real property or a  
 41 manufactured home that is not assessed as real property, the application  
 42 must be filed during the twelve (12) months before March 2 of each  
 43 year for which the individual wishes to obtain the deduction. The  
 44 application may be filed in person or by mail. If mailed, the mailing must  
 45 be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family and children, or the division of disability, aging, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~he~~ **the individual** is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 16. IC 6-1.1-12-15, AS AMENDED BY P.L.177-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be filed during the twelve (12) months before ~~May 1~~ **September 2** of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

- (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;
- (2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or
- (3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under

1 a contract that provides that the individual is to pay property taxes for  
 2 the real estate, mobile home, or manufactured home, the statement  
 3 required by this section must contain the record number and page  
 4 where the contract or memorandum of the contract is recorded.

5 SECTION 17. IC 6-1.1-12-17, AS AMENDED BY P.L.177-2002,  
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 17. Except as provided in section 17.8 of this  
 8 chapter, a surviving spouse who desires to claim the deduction provided  
 9 by section 16 of this chapter must file a statement with the auditor of  
 10 the county in which the surviving spouse resides. With respect to real  
 11 property, the statement must be filed during the twelve (12) months  
 12 before ~~May 1~~ **September 2** of each year for which the surviving  
 13 spouse wishes to obtain the deduction. With respect to a mobile home  
 14 that is not assessed as real property or a manufactured home that is not  
 15 assessed as real property, the statement must be filed during the twelve  
 16 (12) months before March 2 of each year for which the individual  
 17 wishes to obtain the deduction. The statement may be filed in person or  
 18 by mail. If mailed, the mailing must be postmarked on or before the last  
 19 day for filing. The statement shall contain:

- 20 (1) a sworn statement that the surviving spouse is entitled to the
- 21 deduction; and
- 22 (2) the record number and page where the contract or
- 23 memorandum of the contract is recorded, if the individual is
- 24 buying the real property on a contract that provides that the
- 25 individual is to pay property taxes on the real property.

26 In addition to the statement, the surviving spouse shall submit to the  
 27 county auditor for the auditor's inspection a letter or certificate from the  
 28 United States Department of Veterans Affairs establishing the service of  
 29 the deceased spouse in the military or naval forces of the United States  
 30 before November 12, 1918.

31 SECTION 18. IC 6-1.1-12-17.5, AS AMENDED BY P.L.177-2002,  
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: Sec. 17.5. (a) Except as provided in section 17.8 of  
 34 this chapter, a veteran who desires to claim the deduction provided in  
 35 section 17.4 of this chapter must file a sworn statement, on forms  
 36 prescribed by the department of local government finance, with the  
 37 auditor of the county in which the real property, mobile home, or  
 38 manufactured home is assessed. With respect to real property, the  
 39 veteran must file the statement during the twelve (12) months before  
 40 ~~May 1~~ **September 2** of each year for which the veteran wishes to  
 41 obtain the deduction. With respect to a mobile home that is not assessed  
 42 as real property or a manufactured home that is not assessed as real  
 43 property, the statement must be filed during the twelve (12) months  
 44 before March 2 of each year for which the individual wishes to obtain  
 45 the deduction. The statement may be filed in person or by mail. If  
 46 mailed, the mailing must be postmarked on or before the last day for

1 filing.

2 (b) The statement required under this section shall be in affidavit  
3 form or require verification under penalties of perjury. The statement  
4 shall be filed in duplicate if the veteran has, or is buying under a  
5 contract, real property in more than one (1) county or in more than one  
6 (1) taxing district in the same county. The statement shall contain:

- 7 (1) a description and the assessed value of the real property,  
8 mobile home, or manufactured home;
- 9 (2) the veteran's full name and complete residence address;
- 10 (3) the record number and page where the contract or  
11 memorandum of the contract is recorded, if the individual is  
12 buying the real property, mobile home, or manufactured home on  
13 a contract that provides that the individual is to pay property taxes  
14 on the real property, mobile home, or manufactured home; and
- 15 (4) any additional information which the department of local  
16 government finance may require."

17 Page 30, between lines 1 and 2, begin a new paragraph and insert:

18 "SECTION 25. IC 6-1.1-17-1, AS AMENDED BY P.L.90-2002,  
19 SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 UPON PASSAGE]: Sec. 1. (a) ~~On or~~ Before August ~~1~~ 2 of each year,  
21 the county auditor shall send a certified statement, under the seal of the  
22 board of county commissioners, to the fiscal officer of each political  
23 subdivision of the county and the department of local government  
24 finance. The statement shall contain:

- 25 (1) information concerning the assessed valuation in the political  
26 subdivision for the next calendar year;
- 27 (2) an estimate of the taxes to be distributed to the political  
28 subdivision during the last six (6) months of the current calendar  
29 year;
- 30 (3) the current assessed valuation as shown on the abstract of  
31 charges;
- 32 (4) the average growth in assessed valuation in the political  
33 subdivision over the preceding three (3) budget years, excluding  
34 years in which a general reassessment occurs, determined  
35 according to procedures established by the department of local  
36 government finance; and
- 37 (5) any other information at the disposal of the county auditor that  
38 might affect the assessed value used in the budget adoption  
39 process.

40 (b) The estimate of taxes to be distributed shall be based on:

- 41 (1) the abstract of taxes levied and collectible for the current  
42 calendar year, less any taxes previously distributed for the  
43 calendar year; and
- 44 (2) any other information at the disposal of the county auditor  
45 which might affect the estimate.

46 (c) The fiscal officer of each political subdivision shall present the

county auditor's ~~statement~~ **certified statements under subsections (a) and (d)** to the proper officers of the political subdivision.

**(d) Before October 15 of each year, the county auditor shall:**

**(1) update the certified statement referred to in subsection (a) to reflect:**

**(A) credits under IC 6-1.1-20.9 for which credit applications are filed in the current year;**

**(B) deductions under IC 6-1.1-12 for which the deduction application deadline is September 1 of the current year; and**

**(C) deductions under IC 6-1.1-12-37 that result from the application of the credits referred to in clause (A); and**

**(2) send the statement:**

**(A) in the same manner required; and**

**(B) to the same distributees identified;**

**in subsection (a).**

SECTION 16. IC 6-1.1-17-16, AS AMENDED BY P.L.256-2003, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsection (j), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 6-1.1-19, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has one (1) week from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office specifying how to make the required reductions in the amount budgeted for each office or department. The department of local government finance shall make reductions as specified in the political subdivision's response if the response is provided as required by this subsection and sufficiently specifies all necessary reductions. The department of local government finance may make a revision, a reduction, or an increase in a political subdivision's budget only in the total amounts budgeted for each office or department within each of the major budget classifications prescribed by the state board of accounts.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor; and
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department acts under an appeal initiated by taxpayers under section 13 of this chapter, a taxpayer who signed the petition under that section.
- (3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed



1 to:

2 **(1) use the information in the certified statement received**  
 3 **from the county auditor under section 1(d) of this chapter as**  
 4 **the basis for the department's action with respect to a tax**  
 5 **rate under this section; and**

6 **(2) complete the duties assigned to it under this section not later**  
 7 **than February 15th of each year for taxes to be collected during**  
 8 **that year.**

9 (i) Subject to the provisions of all applicable statutes, the department  
 10 of local government finance may increase a political subdivision's tax  
 11 levy to an amount that exceeds the amount originally fixed by the  
 12 political subdivision if the increase is:

13 (1) requested in writing by the officers of the political subdivision;

14 (2) either:

15 (A) based on information first obtained by the political  
 16 subdivision after the public hearing under section 3 of this  
 17 chapter; or

18 (B) results from an inadvertent mathematical error made in  
 19 determining the levy; and

20 (3) published by the political subdivision according to a notice  
 21 provided by the department.

22 (j) The department of local government finance shall annually review  
 23 the budget of each school corporation not later than April 1. The  
 24 department of local government finance shall give the school  
 25 corporation written notification specifying any revision, reduction, or  
 26 increase the department proposes in the school corporation's budget. A  
 27 public hearing is not required in connection with this review of the  
 28 budget."

29 Page 55, between lines 5 and 6, begin a new paragraph and insert:

30 "SECTION 41. IC 6-1.1-20.9-3, AS AMENDED BY P.L.177-2002,  
 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 3. (a) An individual who desires to claim the  
 33 credit provided by section 2 of this chapter must file a certified  
 34 statement in duplicate, on forms prescribed by the department of local  
 35 government finance, with the auditor of the county in which the  
 36 homestead is located. The statement shall include the parcel number or  
 37 key number of the real estate and the name of the city, town, or  
 38 township in which the real estate is located. With respect to real  
 39 property, the statement must be filed during the twelve (12) months  
 40 before ~~May 11~~ **September 2** of the year prior to the first year for  
 41 which the person wishes to obtain the credit for the homestead. With  
 42 respect to a mobile home that is not assessed as real property or a  
 43 manufactured home that is not assessed as real property, the statement  
 44 must be filed during the twelve (12) months before March 2 of the first  
 45 year for which the individual wishes to obtain the credit. The statement

1 may be filed in person or by mail. If mailed, the mailing must be  
 2 postmarked on or before the last day for filing. The statement applies  
 3 for that first year and any succeeding year for which the credit is  
 4 allowed.

5 (b) The certified statement referred to in subsection (a) shall contain  
 6 the name of any other county and township in which the individual  
 7 owns or is buying real property.

8 (c) If an individual who is receiving the credit provided by this  
 9 chapter changes the use of the individual's real property, so that part or  
 10 all of that real property no longer qualifies for the homestead credit  
 11 provided by this chapter, the individual must file a certified statement  
 12 with the auditor of the county, notifying the auditor of the change of  
 13 use within sixty (60) days after the date of that change. An individual  
 14 who changes the use of the individual's real property and fails to file the  
 15 statement required by this subsection is liable for the amount of the  
 16 credit ~~to~~ **the individual** was allowed under this chapter for that real  
 17 property.

18 (d) An individual who receives the credit provided by section 2 of  
 19 this chapter for property that is jointly held with another owner in a  
 20 particular year and remains eligible for the credit in the following year  
 21 is not required to file a statement to reapply for the credit following the  
 22 removal of the joint owner if:

- 23 (1) the individual is the sole owner of the property following the
- 24 death of the individual's spouse;
- 25 (2) the individual is the sole owner of the property following the
- 26 death of a joint owner who was not the individual's spouse; or
- 27 (3) the individual is awarded sole ownership of property in a
- 28 divorce decree."

29 Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed December 2, 2003.)

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Representative Burton